

SEC35

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**U.S. SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**KIK INTERACTIVE INC.**

**Defendant.**

**Case No. 19-civ-5244 (AKH)**

**STIPULATION**

Based on the pleadings and the discovery exchanged in this case, the parties stipulate to and do not dispute the following facts:

1. At all relevant times, Edward Livingston (“Livingston”) was the Chief Executive Officer of Defendant Kik Interactive Inc. (“Kik”).
2. Between March 13, 2017 and March 15, 2017, Livingston traveled to San Francisco, California in connection with, among other things, the Kin project.
3. Between March 20, 2017 and March 24, 2017, Livingston traveled to Geneva, Switzerland in connection with, among other things, the Kin project.
4. Between April 10, 2017 and April 12, 2017, Livingston traveled to San Francisco, California in connection with, among other things, the Kin project.
5. Between May 1, 2017 and May 2, 2017, Livingston traveled to New York, New York in connection with, among other things, the Kin project.
6. Between May 7, 2017 and May 12, 2017, Livingston travelled to Tel Aviv, Israel in connection with, among other things, the Kin project.

7. On May 15, 2017, Livingston traveled to New York, New York in connection with, among other things, the Kin project.

8. Between May 24, 2017 and May 25, 2017, Livingston traveled to New York, New York in connection with, among other things, the Kin project.

9. Between June 14, 2017 to June 16, 2017, Livingston traveled to New York, New York in connection with, among other things, the Kin project.

10. Between June 18, 2017 to June 22, 2017, Livingston traveled to Shenzhen, China in connection with, among other things, the Kin project.

11. Between June 27, 2017 and June 28, 2017, Livingston traveled to San Francisco, California in connection with, among other things, the Kin project.

12. Between July 4, 2017 and July 7, 2017, Livingston traveled to London, UK in connection with, among other things, the Kin project.

13. Between September 6, 2017 and September 8, 2017, Livingston traveled to New York, New York in connection with, among other things, the Kin project.

14. On May 25, 2017, Livingston spoke at an event in New York, New York entitled “Token Summit.”

15. The video file bearing Bates number SEC-KIK-LIT-E-0000333 fairly and accurately records portions of the May 25, 2017 “Token Summit” event, including all of the statements made by Livingston at the event.

16. At the time Livingston made the statements on May 25, 2017, Livingston had authority to speak on behalf of Kik regarding the Kin project.

17. On May 25, 2017, Livingston appeared on CNBC.

18. The video file bearing Bates number SEC-KIK-LIT-E-0002351 fairly and accurately records the CNBC interview of Livingston, including all the statements made by Livingston during the interview.

19. At the time Livingston appeared on CNBC on May 25, 2017, Livingston had authority to speak on behalf of Kik regarding the Kin project.

20. On May 27, 2017, Kik publicly issued a video entitled “Kin: A decentralized ecosystem of digital services for daily life” (the “Kin Announcement Video”), which Kik had caused to be created.

21. The video file bearing the Bates number SEC-KIK-LIT-E-0000339 fairly and accurately records the Kin Announcement Video created and published by Kik.

22. Kik authorized the creation, content, and publication of the Kin Announcement Video.

23. On June 20, 2017, Livingston spoke at an event in Shenzhen, China entitled “TechCrunch Shenzhen.”

24. The video file bearing the Bates number SEC-KIK-LIT-E-0000305 fairly and accurately records portions of the June 20, 2017 event.

25. Beginning at minute 0:55 and ending at minute 27:28 of the video recording, the video file bearing the Bates number SEC-KIK-LIT-E-0000305 fairly and accurately records statements made by Livingston at the June 20, 2017 event.

26. At the time Livingston made the statements on June 20, 2017, Livingston had authority to speak on behalf of Kik regarding the Kin project.

27. On June 27, 2017, Livingston spoke at an event in San Francisco, California entitled “An Evening With Ted Livingston.”

28. The video file bearing the Bates number SEC-KIK-LIT-E-0000277 fairly and accurately records portions of the June 27, 2017 event.

29. Beginning at minute 04:01 and ending at minute 01:04:11 of the video recording, the video file bearing the Bates number SEC-KIK-LIT-E-0000277 fairly and accurately records statements made by Livingston at the June 27, 2017 event.

30. At the time Livingston made the statements on June 27, 2017, Livingston had authority to speak on behalf of Kik regarding the Kin project.

31. On August 1, 2017, Livingston appeared on “Finance Magnates’ Blockchain Podcast,” a video podcast that is available on the Internet.

32. The video file bearing the Bates number SEC-KIK-LIT-E-0000272 fairly and accurately records the Finance Magnates’ Blockchain Podcast interview of Livingston, including all the statements made by Livingston during the interview.

33. At the time Livingston appeared on Finance Magnates’ Blockchain Podcast on August 1, 2017, Livingston had authority to speak on behalf of Kik regarding the Kin project.

34. On August 14, 2017, Livingston spoke at an event in Toronto, Canada entitled “Fintech Canada: Bitcoin and Ethereum Summit.”

35. The video file bearing the Bates number SEC-KIK-LIT-E-0000275 fairly and accurately records portions of the August 14, 2017 event.

36. Beginning at minute 2:55 and ending at minute 33:12 of the video recording, the video file bearing the Bates number SEC-KIK-LIT-E-0000275 fairly and accurately records statements made by Livingston at the August 14, 2017 event.

37. At the time Livingston made the statements on August 14, 2017, Livingston had authority to speak on behalf of Kik regarding the Kin project.

38. On September 7, 2017, Livingston spoke at an event in New York, New York entitled “New York City Ethereum.”

39. The video file bearing the Bates number SEC-KIK-LIT-E-0002353 fairly and accurately records portions of the September 7, 2017 event.

40. Beginning at minute 39:11 and ending at minute 1:29:38 of the video recording, the video file bearing the Bates number SEC-KIK-LIT-E-0002353 fairly and accurately records statements made by Livingston at the September 7, 2017 event.

41. At the time Livingston made the statements on September 7, 2017, Livingston had authority to speak on behalf of Kik regarding the Kin project.

STIPULATED AND AGREED:

Dated: November 12, 2019

/s/ Stephan J. Schlegelmilch  
Stephan J. Schlegelmilch  
David S. Mendel  
Laura K. D’Allaird  
U.S. Securities and Exchange Commission  
100 F Street, N.E.  
Washington, D.C. 20549-5971  
202.551.4935 (direct)  
202.772.9292 (facsimile)  
SchlegelmilchS@SEC.gov  
*Attorneys for Plaintiff*

Dated: November 12, 2019

/s/ Patrick E. Gibbs  
Patrick E. Gibbs (*Pro Hac Vice*)  
Brett H. De Jarnette (*Pro Hac Vice*)  
Cooley LLP  
3175 Hanover Street  
Palo Alto, CA 94304-1130  
Phone: (650) 843-5000  
Fax: (650) 849-7400

Email: pgibbs@cooley.com;  
bdejarnette@cooley.com

Sarah M. Lightdale (SL7122)  
Cooley LLP  
55 Hudson Yards  
New York, NY 10001-2157  
Phone: (212) 479-6374  
Fax: (212) 479-6275  
Email: slightdale@cooley.com

Luke T. Cadigan (*Pro Hac Vice*)  
Cooley LLP  
500 Boylston Street, 14th Floor  
Boston, MA 02116-3736  
Phone: (617) 937-2425  
Email: lcadigan@cooley.com;

Kenneth R. Lench (*Pro Hac Vice*  
*forthcoming*)  
Kirkland & Ellis LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005-5793  
Phone: (202) 879-5270  
kenneth.lench@kirkland.com

Attorneys for Defendant  
KIK INTERACTIVE INC.